

APPENDIX J SELECTING DOCUMENTS FOR THE ADMINISTRATIVE RECORD

This appendix indicates all the documents that might possibly be generated at FUDS HTRW and OE projects. Nearly 70 percent of them will not be included in the final Administrative Record. This comprehensive listing is included not only to give the reader an understanding of the universe of documents that are available for inclusion in the final Record but also to provide a guide to selecting those documents that should be included in the final Record.

Key:

✓ = Include in Administrative Record

✱ = Exclude from Administrative Record

Ω = Perhaps include. Some records may be appropriate for inclusion in the Administrative Record; requires a document-by-document review.

1. Site Management Records.

Ω 1.1 Correspondence (see notes 1 and 8)

✓ 1.2 ASRs (including factual supporting historical documents)

Ω 1.3 Scopes of Work/Contractual Documents (see note 14)

Ω 1.4 Site Photographs and Maps

Ω 1.5 Site Descriptions and Chronologies (see note 13)

Ω 1.6 Reference Documents

Ω 1.7 Federal, State, Local Technical Records

✓ 1.8 INPR/Risk Assessment Code
(include final INPRs that have been reviewed and concurred with by agency counsel and when applicable the Confirmation Report for FUDS HTRW projects - do not include Government cost estimates which may be attached to the INPR)

✓ 1.9 SI Documents

✱ 1.10 NDAI Documents at the INPR phase will be excluded since no Administrative Record is compiled for such actions. It should be noted,

however, that NDAI decisions reflected in the Action Memorandum or ROD will be included.

2. Removal Response.

- Ω 2.1 Correspondence (see note 1)
- √ 2.2 Sampling and Analysis Data and Plans (see note 2)
- Ω 2.3 Scopes of Work/Contractual Documents (see note 14)
- Ω 2.4 Work Plans/Site Safety and Health Plans and Progress Reports (see notes 3 and 4)
- * 2.5 Invoices/Contractor Payments/Cost Reports
- Ω 2.6 Interagency Agreements/Memoranda
- Ω 2.7 ARAR Determinations (see note 5)
- * 2.8 Interim Deliverables (see note 7)
- √ 2.9 Chain-of-Custody Forms
- * 2.10 Daily Operations Summary/Situation Reports
- * 2.11 Work Register and Logs
- √ 2.12 Anomaly Review Board Documents (Management Plan, Correspondence, Standing Operating Procedures (SOPs), Findings)
- Ω 2.13 Removal Response Reports (Emergency Evacuation Orders)
- * 2.14 On-Scene Coordinator Reports
- Ω 2.15 EE/CA Approval Memorandum
- √ 2.16 EE/CA
- √ 2.17 EE/CA Action Memorandum

3. Remedial Investigation (RI).

- Ω 3.1 Correspondence (see note 1)

- ✓ 3.2 Sampling and Analysis Data and Plans (see note 2)
 - Ω 3.3 Scopes of Work/Contractual Documents (see note 14)
 - Ω 3.4 Work Plans and Progress Reports (see notes 3 and 4)
 - ✱ 3.5 Invoices/Contractor Payments/Cost Reports
 - Ω 3.6 Interagency Agreements/Memoranda
 - Ω 3.7 ARAR Determinations (see note 5)
 - ✱ 3.8 Interim Deliverables (see note 7)
 - ✓ 3.9 Chain-of-Custody Forms
 - ✓ 3.10 RI Reports
 - ✓ 3.11 Health and Endangerment Assessments (this includes human health or ecological risk assessments, lead-based paint or asbestos surveys).
4. Feasibility Study (FS).
- Ω 4.1 Correspondence (see note 1)
 - ✓ 4.2 Sampling and Analysis Data (see note 2)
 - Ω 4.3 Scopes of Work/Contractual Documents (see note 14)
 - Ω 4.4 Work Plans and Progress Reports (see notes 3 and 4)
 - ✱ 4.5 Invoices/Contractor Payments/Cost Reports
 - Ω 4.6 Interagency Agreements/Memoranda
 - Ω 4.7 ARAR Determinations (see note 5)
 - ✱ 4.8 Interim Deliverables (see note 7)
 - ✓ 4.9 FS Reports (see note 7)

- ✓ 4.10 Proposed Plans for Remedial Response Action (see note 7)
- 5. Record of Decision (ROD).
 - Ω 5.1 Correspondence (see notes 1 and 8)
 - ✓ 5.2 Sampling and Analysis Data and Plans (see note 2)
 - Ω 5.3 Scopes of Work/Contractual Documents (see note 14)
 - Ω 5.4 Work Plans and Progress Reports (see notes 3 and 4)
 - ✱ 5.5 Invoices/Contractor Payments/Cost Reports
 - Ω 5.6 Interagency Agreements/Memoranda
 - Ω 5.7 ARAR Determinations (see note 5)
 - ✓ 5.8 All public notices, comments received, and responses to the comments
 - ✓ 5.9 ROD (see note 7)
 - ✓ 5.10 Amendments to ROD
 - ✓ 5.11 Explanation of Significant Differences
- 6. Remedial Design (RD). (From previous remedial or removal response actions) (see notes 8 and 9)
 - ✱ 6.1 Correspondence
 - ✱ 6.2 Sampling and Analysis Data and Plans
 - ✱ 6.3 Scopes of Work/Contractual Documents
 - ✱ 6.4 Invoices/Contractor Payments/Cost Reports
 - ✱ 6.5 Interagency Agreements/Memoranda
 - Ω 6.6 ARAR Determinations (see note 5)

- ✱ 6.7 Final RD Documents (No cost estimates should be included)
- 7. Remedial Action (RA). (From previous remedial or removal response actions) (see notes 8 and 9)
 - ✱ 7.1 Correspondence
 - ✱ 7.2 Sampling and Analysis Data and Plans
 - ✱ 7.3 Scopes of Work/Contractual Documents
 - ✱ 7.4 Work Plans and Progress Reports
 - ✱ 7.5 Invoices/Contractor Payments/Cost Reports
 - ✱ 7.6 Interagency Agreements/Memoranda
 - ✱ 7.7 ARAR Determinations (see note 5)
 - ✱ 7.8 RA Documents
- 8. Public Affairs/Community Relations.
 - ✓ 8.1 Correspondence (see notes 1 and 8)
 - ✱ 8.2 Mailing Lists
 - Ω 8.3 Scopes of Work/Contractual Documents (see note 14)
 - Ω 8.4 Work Plans and Progress Reports (see notes 3 and 4)
 - ✱ 8.5 Invoices/Contractor Payments/Cost Reports
 - Ω 8.6 CRP (see note 7)
 - Ω 8.7 Briefing Papers (briefing papers may be statements of fact presented to the decision makers which form part of the basis for a decision, or they may be privileged deliberative process information which constitute staff analysis or recommendations, or they may have both types of information.)

Ω 8.8 News Clippings and Press Releases (see note 11)

✱ 8.9 Work Logs

✓ 8.10 Public Meeting Minutes/Transcripts, including minutes of RAB/TRC meetings. (see note 15)

Ω 8.11 Fact Sheets/Newsletters

✓ 8.12 Written Responses to Public Comments/Questions (include all public comments, or information obtained from the public relating to the response action decision, which may include summaries of interviews, correspondence with political subdivisions such as zoning boards, letters from the public, etc.)

✓ 8.13 Public Notices (Availability of Record, Public Comment)

9. Congressional Relations.

Ω 9.1 Correspondence (to include formal Congressionals) (see notes 1, 8, and 12)

Ω 9.2 Briefings

Ω 9.3 Transcripts

Ω 9.4 Testimonies

Ω 9.5 Published Hearings

10. Freedom of Information Act (FOIA).

✱ 10.1 Correspondence

✱ 10.2 Requests

✱ 10.3 Responses

11. Real Estate.

Ω 11.1 Correspondence (see notes 1 and 8)

- Ω 11.2 Rights-of-Entry Documents (may be appropriate for inclusion, e.g., when relevant information is considered in the response action decision process)
- Ω 11.3 Title Search Documents (see note 10)
- Ω 11.4 Land Grants/Deeds
- Ω 11.5 Interagency Agreements/Memoranda (may be appropriate for inclusion, e.g., when relevant information is considered in the response action decision process)
- √ 11.6 Final approved Findings and Determinations

Notes

The following notes are referenced in Selecting Documents for the Administrative Record. Only documents containing factual data relevant to the selection of the response action on the FUDS property should be included in the Administrative Record.

1. Internal correspondence should generally be excluded from the Administrative Record. However, if these records contain facts that are not available elsewhere, they should be included in the Administrative Record. Also, all Government attorney correspondence should be excluded from the Administrative Record as well as privileged documents. This material includes formal letters, meeting notes, and telephone notes.
2. Sampling and analysis data must be included in the Administrative Record. When it is available, validated data should be used. In order to limit the physical size of Administrative Records, sampling and analysis data may be included in the Record by referencing the data in the Record's Index.
3. Only the final version of a work plan and any subsequent revisions/modifications need to be included in the Administrative Record.
4. Only progress reports that provide factual information related to a selection of a response action must be included in the Administrative Record.
5. ARAR information which is directly related to decisions made at the FUDS project must be included in the Administrative Record. Correspondence between attorneys and/or FUDS project team members relating to ARARs should be excluded from the Administrative Record.
6. Certain documents may need to be added to the Administrative Record after the Action Memorandum is signed. These documents would be added to the Administrative Record if they are relevant to a follow-up action or if the Action Memorandum is amended.
7. All relevant draft documents (e.g., EE/CA, RI/FS, ROD, CRP) that are made available to the public and upon which the Government received comments should be included in the Administrative Record. Draft documents which contain factual information that does not appear in the final document or is included in other documents, and upon which the Government based a portion of its response action decision (even if the document was not released to the public) must be included in the Administrative Record.
8. Documents generated after the Action Memorandum or the ROD are final are usually not included in the Administrative Record. However, if there are multiple areas within a FUDS property, some documents generated after one Action Memorandum or ROD may be included in the Administrative Record if it is related to how the Government made a decision for another

ROD at the FUDS property. These documents should be included in the FUDS project Record file at the district.

9. RD and RA documents are usually excluded from the Administrative Record. However, if there are multiple RDs and RAs, documents from previous RDs and RAs may be included in the Administrative Record to support follow-up response actions. In addition, if there is an amendment to the ROD, additional RD and RA documents may be added to the Administrative Record. These documents should be included in the FUDS project Record file at the district.

10. Title search records may be excluded from the Administrative Record if they do not contain information relevant to selection of a response action. Since title search records may be considered confidential, they may be cited in the Index and excluded from the physical Administrative Record, i.e., inclusion by reference only.

11. USACE press releases are included in the Administrative Record. General newspaper clippings are excluded from the Administrative Record (unless they served as the basis for a response action).

12. Comments received from members of Congress on draft documents (e.g., EE/CA, RI, FS, Proposed Plan, ROD, CRP) must be included in the Administrative Record.

13. Site descriptions and chronologies may be included in the Administrative Record if they reflect official agency positions. They are not to be included if they were prepared as the FUDS project team's working papers.

14. The final scopes of work, including any modifications, should be included. Most other contract file documents are not relevant. See paragraph 4-11b regarding contracting financial information, the Government deliberative process, or Government estimating records.

15. Include recommendations or significant information provided by any RAB or TRC which relates to a response action decision. Also include the documents that were developed to establish the RAB or TRC, correspondence reflecting any changes in the RAB or TRC membership, and the minutes of any meeting between the RAB or TRC and the agency decision-making official.